IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 6455 of 2005

Between:

N.Srisailum, S/o.Sangappa,
R/o.H.No.3-5-1091/9, Venkateswara Colony,Narayanaguda,
Hyderabad.

..... PETITIONER

AND

1 The Sub-Registrar, Chikkadpally, Ashoknagar Road, Hyderabad.
2 The District Registrar, Nizamshahi Road, Mozamjahi Market, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus, the action of the respondents in not passing any orders upon the representation submitted by the petitioner on 10-02-2005 as arbitrary, illegal, violative of Article 14 and 21 of the constitution of India and consequently direct the respondents herein to forthwith give their explanation to the representation dt.10-02-2005, and to pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner : MR. VOOSA.RAGHU

Counsel for the Respondents : GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.6455 OF 2005

ORDER :

This writ petition is filed seeking a Writ of Mandamus declaring the alleged inaction on the part of the respondents in considering the representations submitted by the petitioner dated 10-02-2005 as arbitrary and illegal.

The petitioner claims to be the owner of the premises bearing H.No. 3-5-1091/9, situated at Venkateswara Colony, Narayanaguda, Hyderabad, having purchased the same under an Agreement of Sale, dated 6-4-1991 through the General Power of Attorney-holder of the original owner. It is claimed that he is in possession and enjoyment of the said premises. It is alleged that one P.Visweswara Rao alleging to be the General Power of Attorney-holder of Pingala Subba Rao had executed registered sale deeds in respect of the premises in occupation of the petitioner in

favour of some third parties vide Documents dated 20-6-1992, 27-6-1992, 1-7-1992 and 5-7-1992 respectively. Thereafter, the said registered sale deeds were also validated by the first respondent – Sub-Registrar, Chikkadpally on 5-8-1992. It appears that the petitioner filed O.S.No.1296/1992 on the file of the Court of II-Senior Civil Judge, City Civil Court, Hyderabad seeking a decree for specific performance of the Agreement of Sale, dated 6-4-1991. The said suit was dismissed and the petitioner preferred C.C.C.A.303 of 2003 before this Hon'ble Court which is pending. The petitioner has also filed O.S.No.330 of 1994 on the file of the Court of II-Senior Civil Judge, City Civil Court, Hyderabad for grant of permanent injunction. It is stated that the purchasers from the General Power of Attorney-holder Sri P. Subbarao filed O.S.No.304 of 1994 on the file of the Court of II-Senior Civil Judge, City Civil Court, Hyderabad against him seeking eviction from the premises in question. It appears that the appeals as against the judgments and decrees in the said civil suits are pending before the Appellate Courts. While so, the petitioner made a representation dated 10-2-2005 before the respondents calling upon them to explain as to the validity and legality of the General Power of Attorney in favour of P.Visweswara Rao, on the basis of which the sale deeds were executed. This writ petition is filed alleging that the respondents failed to respond to his petition dated 10-2-2005 and that the said inaction is arbitrary and illegal.

At the outset, it is to be noted that except a copy of representation made by the petitioner dated 10-2-2005, nothing has been placed before this Court to substantiate the averments in the affidavit. At any rate, on the face of it, the matter involves several disputed questions of fact and the Appeals arising out of the civil suits filed by both parties making rival claims in respect of the property in question are pending before the competent Courts of law.

In the circumstances, I do not find any justifiable reason to issue a Writ of Mandamus as prayed for. The Writ Petition is misconceived and accordingly the same is dismissed. No costs.

9th June, 2005.

gbs

To

1 The Sub-Registrar, Chikkadpally, Ashoknagar Road, Hyderabad.
2 The District Registrar, Nizamshahi Road, Mozamjahi Market, Hyderabad.

3. Two CCs to G.P. for Revenue, High Court of AP Bldgs, Hyderabad (OUT).

4. Two CD copies.